

AN ACT  
**D.C. ACT 23-350**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**AUGUST 5, 2020**

To approve the development agreement transmitted by the Mayor on June 8, 2020, as a contract in excess of \$1 million for the construction of a new hospital at St. Elizabeths; to approve the operations agreement transmitted by the Mayor on June 8, 2020, as a multiyear contract and contract in excess of \$1 million for the operation of the hospital; to authorize the Mayor to dispose of the hospital and the real property on which the hospital will be located to UHS East End Sub, LLC; to establish a special fund as a startup reserve for the hospital; and to amend the Health Services Planning Program Re-Establishment Act of 1996 to establish an uncompensated care requirement for the hospital.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "New Hospital at St. Elizabeths Amendment Act of 2020".

**TITLE I. CONTRACT APPROVAL; DISPOSITION AUTHORIZATION.**

Sec. 101(a) Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-351.01 *et seq.*), the Public-Private Partnership Act of 2014, effective March 11, 2015 (D.C. Law 20-228; D.C. Official Code § 2-271.01 *et seq.*), or any other law, the Council approves:

(1) The Development Agreement between the District of Columbia and UHS Building Solutions, Inc., for the design and construction of a hospital and other facilities ("Hospital Facilities") at St. Elizabeths and for other purposes ("Development Agreement"), transmitted by the Mayor to the Council on June 8, 2020, as a contract involving expenditures in excess of \$1 million during a 12-month period; and

(2) The Hospital Operations Agreement between the Government of the District of Columbia and UHS East End Sub, LLC, for the operation of a hospital at St. Elizabeths and for other purposes ("Operations Agreement"), transmitted by the Mayor to the Council on June 8, 2020, as a multiyear contract and as a contract involving expenditures in excess of \$1 million during a 12-month period.

(b) Notwithstanding An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C.

Official Code § 10-801), or any other law, the Council authorizes the Mayor to dispose of the Hospital Facilities to UHS East End Sub, LLC, or its successor or assign, in fee simple or by lease for up to 99 years and to dispose of the real property known for assessment and taxation purposes as Lot 859 in Square 5868S ("New Hospital Property") by lease for up to 99 years to UHS East End Sub, LLC, or its successor or assign, as provided for in the Lease Agreement between the District of Columbia as landlord and UHS East End Sub, LLC, as tenant ("Lease Agreement"), transmitted by the Mayor to the Council on June 8, 2020, as such agreement may be amended by the Mayor from time to time, and to provide easements to owners of real property adjacent to the New Hospital Property and utility providers as may be necessary or appropriate for the construction and operation of the Hospital Facilities.

(c) Notwithstanding any other provision of law, the Mayor is authorized to take such actions as are appropriate to implement the Development Agreement, Operations Agreement, and Lease Agreement.

## **TITLE II. NEW HOSPITAL AT ST. ELIZABETHS STARTUP RESERVE FUND.**

Sec. 201. This title may be cited as the "New Hospital at St. Elizabeths Startup Reserve Establishment Fund Act of 2020".

Sec. 202. New hospital at St. Elizabeths startup reserve fund.

(a) There is established as a special fund the New Hospital at St. Elizabeths Startup Reserve Fund ("Fund"), which shall be administered by the Department of Health Care Finance in accordance with subsections (c) and (d) of this section.

(b) There shall be deposited into the Fund such amounts as shall be appropriated, consistent with the Hospital Operations Agreement between the Government of the District of Columbia and UHS East End Sub, LLC, for the operation of a hospital at St. Elizabeths and for other purposes ("Operations Agreement"), approved pursuant to Title I.

(c) Money in the Fund shall be used for the purposes set forth in the Operations Agreement.

(d)(1) The money deposited into the Fund but not expended in a fiscal year shall not revert to the unassigned fund balance of the General Fund of the District of Columbia at the end of a fiscal year or at any other time.

(2) Subject to authorization in an approved budget and financial plan, any funds appropriated in the Fund shall be continually available without regard to fiscal year limitation.

## **TITLE III. UNCOMPENSATED CARE REQUIREMENT.**

Sec. 301. Section 6 of the Health Services Planning Program Re-Establishment Act of 1996, effective April 9, 1997 (D.C. Law 11-191; D.C. Official Code § 44-405), is amended by adding a new subsection (a-1) to read as follows:

"(a-1) The requirement set forth in subsection (a) of this section, that a health care facility submit an assurance of its provision of a reasonable volume of uncompensated care through the

**ENROLLED ORIGINAL**

“annual compliance level” of 3% of its operating costs, shall not apply to the hospital referenced in Title I of the New Hospital at St. Elizabeths Amendment Act of 2020, passed on 2nd reading on July 21, 2020 (Enrolled version of Bill 23-777 (“New Hospital Act”). Such hospital shall instead submit an assurance of its compliance with the uncompensated care, charity care, and community benefits requirement set forth in section 3.7 of the Operations Agreement approved in section 101(a)(2) of the New Hospital Act.”.

**TITLE IV. GENERAL PROVISIONS.**

Sec. 401. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 402. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and a 30 day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(2)), and publication in the District of Columbia Register.

  
Chairman

Council of the District of Columbia

  
Mayor

District of Columbia

August 5, 2020

APPROVED





COUNCIL OF THE DISTRICT OF COLUMBIA

WASHINGTON, DC, 20004

Docket No. B23-0777

[ ] ITEM ON CONSENT CALENDAR

[X] ACTION

First Reading

[X] VOTE DATE

July 7, 2020

[ ] VOICE VOTE

RECORDED VOTE ON REQUEST

ABSENT

[X] ROLL CALL VOTE – Result

Passed

Council Member	Aye	Nay	NV	AB	Rec	Council Member	Aye	Nay	NV	AB	Rec	Council Member	Aye	Nay	NV	AB	Rec
Chairman Mendelson	X					Grosso	X					Silverman	X				
Allen	X					McDuffie	X					T. White	X				
Bonds	X					Nadeau	X					Todd	X				
Cheh					X	Pinto	X										
Gray	X					R. White	X										
X - Indicate Vote						AB – Absent						NV - Present, Not Voting					
												Rec - Recused					

CERTIFICATION RECORD

  
Secretary to the Council

7-29-20  
Date

Docket No. B23-0777

[ ] ITEM ON CONSENT CALENDAR

[X] ACTION

Final Reading

[X] VOTE DATE

July 21, 2020

[ ] VOICE VOTE

RECORDED VOTE ON REQUEST

ABSENT

[X] ROLL CALL VOTE – Result

Passed

Council Member	Aye	Nay	NV	AB	Rec	Council Member	Aye	Nay	NV	AB	Rec	Council Member	Aye	Nay	NV	AB	Rec
Chairman Mendelson	X					Grosso	X					Silverman	X				
Allen	X					McDuffie	X					T. White	X				
Bonds	X					Nadeau	X					Todd	X				
Cheh					X	Pinto	X										
Gray	X					R. White	X										
X - Indicate Vote						AB – Absent						NV - Present, Not Voting					
												Rec - Recused					

CERTIFICATION RECORD

  
Secretary to the Council

7-29-20  
Date